

**From:** Mike Dewey  
**To:** Microsoft ATR  
**Date:** 12/14/01 6:11pm  
**Subject:** Comment on Microsoft's antitrust case

Renata Hesse, Trial Attorney  
Suite 1200, Antitrust Division  
Department of Justice  
601 D Street NW  
Washington, DC 20530

I would like to express my concerns about the penalty phase of the U.S. v. Microsoft antitrust case. My qualifications for commenting on this case are that I am a computer programmer and I have been working in the computer industry for nine years. I do not have any ties to the parties involved in this case other than I am a user of their products.

Microsoft has been found guilty of violating U.S. antitrust laws, and therefore a just penalty must not encourage the continuation of this monopoly. The proposed settlement, however, would not punish Microsoft at all, and would actually help them hold onto their unfair advantage.

I feel that the major reason that Microsoft has been able to hold onto their monopoly is that they do not make their file formats and other protocols public. In order for competing products to move into a space that is controlled by Microsoft, they must be able to interact with Microsoft products. However, this competition cannot spend their resources creating new features because they are constantly playing catch-up with Microsoft's changing proprietary protocols. I think that it is very important for any penalty to include opening file formats, as well as having all of their protocols approved by an independent body of computer professionals and academics.

Another concern that I have is that Microsoft's settlement proposal involves distributing their software to our public schools. This is not a punishment at all, but rather a way for the company to guarantee that our next generation of computer users were raised on Microsoft products. I fully endorse the idea that any capitol exchanged as part of the punishment should go toward the public good, but it should not be done in a way that just makes the problem worse.

In closing, I would like to address the issue of how this settlement will affect our national interest. Computer systems most definitely play a role in our overall national security, and as things stand today they are our Achilles heel because they are controlled by a proprietary monopoly. When network protocols are open and public they can be reviewed by hundreds of people around the world, and this makes them more secure. I realize that this may be contrary to what one might think, but in the computer world

secrecy always leads in insecure products. As an example, the web server made by the open source Apache group is the most widely used server in the world, yet it has been more than three years since a known remote root exploit has occurred through Apache. Microsoft's IIS server, on the other hand, is closed source and proprietary. IIS has had several major exploits in the past several months (the code red worm for instance).

I appreciate that you took the time to read my comments, and I hope that you take them into consideration when you make your decision.

Sincerely,

Michael Dewey  
307 MacArthur Blvd.  
Oakland, CA 94610  
(510) 839-1892

--

+-----+  
| GnuPG Public Key available at <http://www.michaeldewey.org/privacy.html> |  
|  
| Fingerprint: 032F 00F4 1216 ED5C E469 644D BFE1 0F4F F84E C576 |  
+-----+